APPEAL BRIEF

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Applicants:	Mikihiro Gau, et al.	**Examiner:**	Traci Casler
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APPEAL BRIEF

Sir:

Pursuant to 35 U.S.C. § 134 and 37 C.F.R. § 41.37, entry of this Appeal Brief in support of the Notice of Appeal filed December 3, 2007 in the above-identified matter is respectfully requested. This paper is submitted as a brief setting forth the authorities and arguments upon which Appellant relies in support of the appeal from the July 3, 2007 Final Rejection of Claims 7-12 in the above-identified patent application.

I. REAL PARTY IN INTEREST

The real party of interest in the above-identified patent application is NEC Informatec Systems Ltd.

II. RELATED APPEALS AND INTERFERENCES

There are no pending appeals or interferences related to this application to Appellant's knowledge.

III. STATUS OF CLAIMS

Claim 1 stands cancelled.

Claim 2 stands cancelled.

Claim 3 stands cancelled.

Claim 4 stands cancelled.

Claim 5 stands cancelled.

Claim 6 stands cancelled.

Claim 7 stands rejected based on 35 U.S.C. § 102(e) as anticipated by Wilson et al., U.S. Patent Applicant Publication No. 2002/0133387.

Claim 8 stands rejected based on 35 U.S.C. § 102(e) as anticipated by Wilson.

Claim 9 stands rejected based on 35 U.S.C. § 102(e) as anticipated by Wilson.

Claim 10 stands rejected based on 35 U.S.C. § 102(e) as anticipated by Wilson.

Claim 11 stands rejected based on 35 U.S.C. § 102(e) as anticipated by Wilson.

Claim 12 stands rejected based on 35 U.S.C. § 102(e) as anticipated by Wilson.

Claims 7-12 are appealed; a clean copy of these claims is attached hereto in the Claims Appendix.

IV. STATUS OF AMENDMENTS

No amendment was filed in Response to the Final Rejection mailed July 3, 2007.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Claims 7-12 are the claims on appeal. A copy of the rejected claims is attached hereto in the Claims Appendix.

The invention with respect to independent Claim 7 comprises an information processing system for managing performance of a business process (page 7, lines 6-28), said information processing system having a storage apparatus (#1), and a data processing apparatus (page 16, lines 18-20, Fig. 8), said information processing system comprising: a first table (#11A) stored on said storage apparatus (#1), said first table (#11A) for registering demand information (#11A) related to request instructions (page 7, lines 10-11), said demand information (#11A) being expressed as a combination of 5W1H-format elemental information (page 3, lines 7-9) comprising 5W information (page 3, lines 7-8) and 1H information (page 3, lines 8-9), said 5W information consisting of who, whom, when, where, and what information (page 3, lines 7-8) and said 1H information consisting of how information (page 3, lines 8-9); and a second table (#11B) stored on said storage apparatus (#1), said second table (#11B) for registering supply information (#11B) related to results information (page 18, lines 27-28), said supply information (#11B) being expressed as a combination of the 5W1H-format elemental information (page 3, lines 7-9), said supply information (#11B) being generated by execution and completion of said demand information (#11A) (page 3, lines 4-5); wherein said data processing apparatus (page 16, lines 18-20, Fig. 8) executes said business process (page 7, line 6-28) based on a generation sequence (page 3, lines 17-18) determined by said 1H information of said demand information (page 7, lines 1-3).

The invention with respect to independent Claim 9 comprises an information processing system for managing performance of a business process (page 7, lines 6-28), said information processing system having a storage apparatus (#1), a data processing apparatus (p. 16, lines 18-20, Fig. 8), demand information (#11A) related to request instructions (page 7, lines 10-11) from a requester (page 7, lines 10-11), said demand information (#11A) being expressed as a

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combination of 5W1H-format elemental information (page 3, lines 7-9) comprising 5W information (page 3, lines 7-8) and 1H information (page 3, lines 8-9), said 5W information consisting of who, whom, when, where, and what information (page 3, lines 7-8) and said 1H information consisting of how information (page 3, lines 8-9), supply information (#11B) corresponding to said demand information (#11A), said supply information (#11B) relating to results information (page 18, lines 27-28), said supply information (#11B) being expressed as a combination of the 5W1H-format elemental information (page 3, lines 7-9), and at least one set of information (#11A, #11B) comprising said demand information (#11A) and said supply information (#11B) generated by said demand information (#11A)(page 14, lines 24-26), said information processing system comprising: a business procedure (page 16, lines 14-15) comprising a plurality of said sets of information (#11A, #11B); a business flow (page 3, line 19) comprising a plurality of business procedures (page 16, lines 14-15); a business procedure master (#32) stored on said storage apparatus (#1); and a business flow master (#33) stored on said storage apparatus (#1), wherein said data processing apparatus (page 16, lines 18-20, Fig. 8) executes said business process (page 7, lines 6-28) with respect to execution and completion of said demand information (#11A) and said supply information (#11B), said business procedure master (#32) registers said business procedure (page 16, lines 14-15) defining a generation sequence of a plurality of sets of said demand information (#11A) and said supply information (#11B) (page 3, lines 17-18, page 13, lines 4-5), said generation sequence determined by said 1H information of said demand information (page 7, lines 1-3), and said business flow master (#33) registers said business flow (page 3, line 19) defining a relationship among a plurality of sets of said business procedure (page 16, lines 14-15).

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The invention with respect to independent Claim 10 comprises a method for managing execution of a business process (page 7, lines 6-28) using an information processing system having a storage apparatus (#1), and a data processing apparatus (page 16, lines 18-20, Fig. 8), said method comprising the steps of: registering, in a first table (#11A) on said storage apparatus (#1), demand information (#11A) related to request instructions (page 7, lines 10-11), said demand information (#11A) being expressed as a combination of 5W1H-format elemental information (page 3, lines 7-9) comprising 5W information (page 3, lines 7-8) and 1H information (page 3, lines 8-9), said 5W information consisting of who, whom, when, where, and what information (page 3, lines 7-8) and said 1H information consisting of how information (page 3, lines 8-9); registering, in a second table (#11B) stored on said storage apparatus (#1), supply information (#11B) related to results information (page 18, lines 27-28), said supply information (#11B) being expressed as a combination of the 5W1H-format elemental information (page 3, lines 7-9), said supply information (#11B) being generated by execution and completion of said demand information (#11A)(page 3, lines 4-5, page 14, lines 24-26); creating a plurality of sets of information (#11A, #11B) comprising said demand information (#11A) and said supply information (#11B) generated by said demand information (#11A); registering, on said storage apparatus (#1), a business procedure master (#32) comprising a business procedure (page 16, lines 14-15) comprising a generation sequence (page 3, lines 17-18) of said plurality of sets of information (#11A, #11B), said generating sequence determined by said 1H information of said demand information (page 7, lines 1-3); defining a process flow (page 16, line 10-11) comprising a relationship among a plurality of said business procedures (page 16, lines 14-15); registering, on said storage apparatus (#1), a business process flow master (#33) comprising said process flow (page 16, line 10-11); and executing, on said data processing

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apparatus (page 16, lines 18-20, Fig. 8), said business procedure (page 16, line 14-15) and said process flow (page 16, line 10-11).

The invention with respect to independent claim 11 comprises a computer readable storage medium on which is stored a computer program of instructions for managing execution of a business process (page 7, lines 6-28) using an information processing system having a storage apparatus (#1), and a data processing apparatus (page 16, lines 18-20, Fig. 8), said instructions comprising the steps of: registering, in a first table (#11A) on said storage apparatus (#1), demand information (#11A) related to request instructions (page 7, lines 10-11), said demand information (#11A) being expressed as a combination of 5W1H-format elemental information (page 3, lines 7-9) comprising 5W information (page 3, lines 7-8) and 1H information (page 3, lines 8-9), said 5W information consisting of who, whom, when, where, and what information (page 3, lines 7-8) and said 1H information consisting of how information (page 3, lines 8-9); registering, in a second table (#11B) stored on said storage apparatus (#1), supply information (#11B) relating to results information (page 18, lines 27-28), said supply information (#11B) being expressed as a combination of the 5W1H-format elemental information (page 3, lines 7-9), said supply information (#11B) being generated by execution and completion of said demand information (#11A)(page 3, lines 4-5, page 14, lines 24-26); creating a plurality of sets of information (#11A, #11B) comprising said demand information (#11A) and said supply information (#11B) generated by said demand information (#11A); registering, on said storage apparatus (#1), a business procedure master (#32) comprising a business procedure (page 16, lines 14-15) comprising a generation sequence (page 3, lines 17-18) of said plurality of sets of information (#11A, #11B), said generating sequence determined by said 1H information of said demand information (page 7, lines 1-3); defining a process flow

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(page 16, lines 10-11) comprising a relationship among a plurality of said business procedures (page 16, lines 14-15); registering, on said storage apparatus (#1), a business process flow master (#33) comprising said process flow (page 16, lines 10-11); and executing, on said data processing apparatus (page 16, lines 18-20, Fig. 8), said business procedure (page 16, lines 14-15) and said process flow (page 16, lines 10-11).

The invention with respect to independent claim 12 comprises an information processing system having a storage apparatus (#1), a data processing apparatus (page 16, lines 18-20, Fig. 8), and 5W1H-format elemental information (page 3, lines 7-9) comprising 5W information (page 3, lines 7-8) and 1H information (page 3, lines 8-9), said 5W information consisting of who, whom, when, where, and what information (page 3, lines 7-8) and said 1H information consisting of how information (page 3, lines 8-9), said information processing system comprising: a master table (page 3, line 20) on said storage apparatus (#1); demand information (#11A) comprising 5W1H-format elemental information (page 3, lines 7-9); corresponding supply information (#11B) comprising 5W1H-format elemental information (page 3, lines 7-9), said corresponding supply information (#11B) resulting from execution of said demand information (#11A)(page 3, lines 4-5); at least one set of information (#11A, #11B), comprising demand information (#11A) and corresponding supply information (#11B); at least one business procedure (page 16, lines 14-15) comprising a plurality of sets of information (#11A, #11B), said at least one business procedure (page 16, lines 14-15) establishing a generation sequence (page 3, lines 17-18) of a plurality of sets of said demand information (#11A) and said supply information (#11B), said generation sequence determined by said 1H information of said demand information (#11A)(page 3, lines 4-5); at least one business flow (page 3, line 19) comprising a plurality of business procedures (page 16, lines 14-15), said at least one business flow (page 3, line 19)

stored in said master table (page 3, line 20), said business flow (page 3, line 19) defining a

relationship among a plurality of sets of said business procedure (page 16, lines 14-15); at least

one business process (page 7, lines 6-28) executable by said data processing apparatus (page 16,

lines 18-20, Fig. 8) and stored in said master table (page 3, line 20); wherein said data processing

apparatus (page 16, lines 18-20, Fig. 8) executes said business process (page 7, lines 6-28) and

business flow (page 3, line 19), and wherein a change in the master table (page 3, line 20) results

in a change in the business process (page 7, lines 6-28).

VI. <u>GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL</u>

Claims 7-12 are rejected under 35 U.S.C. § 102(e) as anticipated by Wilson.

VII. <u>ARGUMENT</u>

(A)   **Examiner's Rejection Of Independent Claim 7 Is Not Proper.**

Reference Does Not Teach "a generation sequence determined by said 1H information of said demand information".

Appellant submits that Wilson does not teach "wherein said data processing apparatus

executes said business process based on a generation sequence determined by said 1H

information of said demand information" as recited in independent claim 7.

The Examiner states that Wilson creates multiple scenarios in which the demand

information can be supplied to the user, that Wilson identifies the most efficient process for

getting the user the needed items, and that Wilson processes the order according to the best

process. The Examiner concludes that Wilson anticipates the present invention as recited in

independent claim 7. However, the Examiner does not specifically point out Wilson's teaching

of every aspect of the claimed invention. 37 C.F.R. § 1.104(c)(2) states, "In rejecting claims for

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want of novelty ... the particular part [of the reference] relied on must be designated as nearly as practicable." The Examiner provides no correlation between the aspects of applicant's claim and the cited reference. In particular, the Examiner does not indicate or provide a particular part of Wilson that teaches "a generation sequence determined by said 1H information of said demand information", so that the Examiner does not show that the reference teaches every aspect of the claimed invention.

Appellant respectfully submits that Wilson does not teach this aspect of the claimed invention. Wilson's teaching of multiple scenarios in which demand information can be supplied to the user does not teach "a generation sequence determined by said 1H information of said demand information" because, *inter alia*, supplying demand information to the user is not recited in claim 7. Wilson's teaching of the most efficient process and processing the order according to the best process also does not teach a generation sequence determined by said 1H information of said demand information as recited in claim 7, because Wilson does not teach that the most efficient process involves any generation sequence, or that processing the order according to the best process is done using "a generation sequence determined by said 1H information". Hence, appellant respectfully requests that the Board withdraw the rejection of independent claim 7.

(B)   Examiner's Rejection of Independent Claims 9-12 Is Not Proper.

(I)   Reference Does Not Teach "a generation sequence determined by said 1H information of said demand information"

Appellant submits that Wilson does not teach "said generation sequence determined by said 1H information of said demand information" as recited in independent claims 9-12.

As with independent claim 7, discussed above, the Examiner states that Wilson creates multiple scenarios in which the demand information can be supplied to the user, that Wilson

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identifies the most efficient process for getting the user the needed items, and that Wilson

processes the order according to the best process. The Examiner concludes that Wilson

anticipates the present invention as recited in independent claims 9-12 but does not specifically

point out Wilson's teaching of every aspect of the claimed invention. Appellant respectfully

submits, for the reasons provided above with respect to independent claim 7, that Wilson does

not teach this aspect of the claimed invention. Hence, appellant respectfully requests that the

Board withdraw the rejection of independent claims 9-12.

**(II)   Reference Does Not Teach "said business procedure defining a
generation sequence"**

Appellant submits that Wilson does not teach "said business procedure defining a

generation sequence" as recited in independent claims 9-12.

The Examiner does not specifically point out Wilson's teaching of "said business

procedure defining a generation sequence" and does not show, as required by 37 C.F.R. §

1.104(c)(2), that the reference teaches every aspect of the claimed invention. Appellant

respectfully submits that Wilson does not teach this aspect of the claimed invention.

Wilson discloses a procedure for finding an item in a warehouse. In paragraph 50,

Wilson discloses determining if the closest warehouse can fulfill a customer's requirements. In

paragraph 51, Wilson discloses a procedure used when the closest warehouse cannot fulfill the

customer's requirements. Taking these two paragraphs together, Wilson discloses a method for

fulfilling one order, either by shipping from the closest warehouse or from another warehouse, or

by rejecting the order. Wilson does not disclose or even suggest fulfilling more than one

requirement or request, i.e., more than "one demand", so that Wilson does not disclose or suggest

either a business procedure comprising a plurality of sets of information (comprising demand

information and supply information) or "a business process based on a generation sequence of a

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plurality of sets of said demand information and said supply information" as recited in claims 9-12.

Hence, appellant respectfully requests that the Board withdraw the rejection of independent claims 9-12.

(III)   Reference Does Not Teach "a business flow defining a relationship among a plurality of sets of said business procedure".

Appellant submits that Wilson does not teach "a business flow defining a relationship among a plurality of sets of said business procedure" as recited in independent claims 9-12.

Wilson discloses a procedure for determining if the closest warehouse can fulfill a customer's requirements. This procedure includes determining whether there are additional warehouses associated with a primary warehouse and checking, in a serial fashion, until a warehouse that can fulfill the requirement is found. Thus, Wilson teaches only a standard serial process for fulfilling a requirement. Wilson teaches determining the "best" delivery method in the form of the closest warehouse; specifically, Wilson discloses a system that selects the shipping warehouse based upon the location of the consumer and the ability of the warehouse to fulfill the order (page 1, paragraph [0007]). In particular, as shown in Figures 5A and 5B, Wilson discloses receiving an order, finding the closest warehouse, and then shipping the order; the <u>process</u> is always the same. In other words, while Wilson may perform more than one action, it is the same action or step (e.g., "can the (closest) warehouse fulfill the requirement") that is repeated multiple times, and these steps are all a result of the same order, i.e., one "demand". Even if it is assumed that a series of demands, e.g. customer orders of Wilson, can form a business procedure defining a generation sequence, Wilson does not teach <u>a plurality of sets of</u>

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said business procedure, and Wilson does not disclose or suggest a business flow defining a relationship among a plurality of sets of said business procedure, as recited in claims 9-12.

Hence, appellant respectfully requests that the Board withdraw the rejection of independent claims 9-12.

(C) Rejection of Dependent Claim is Also Improper

Claim 8 is Patentable Based Upon Dependency From Independent Claim 7.

Appellant respectfully submits that Claim 8 is patentable over the cited prior art based upon at least the analysis provided above. Specifically, Wilson fails to teach each and every limitation of independent Claim7 from which Claim 8 depends.

Withdrawal of the rejection to the dependent Claim 8 is, therefore, respectfully requested.

(D) Conclusion

Based on the above arguments and remarks, Appellant respectfully submits that the claims of the instant invention on appeal are not anticipated by Wilson. Consequently, the rejections of the claims based on such reference are in error. In view of the remarks submitted hereinabove, the reference applied against Claims 7-12 on appeal does not render those claims unpatentable under 35 U.S.C. § 102(e). Thus, Appellant submits that the § 102 rejections are in error and must be reversed.

The Commissioner is hereby authorized to charge any additional fees or credit

any overpayment in connection herewith to Deposit Account No. 19-1013/SSMP.

Respectfully submitted,

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Enclosures: Appendices

VIII. CLAIMS APPENDIX

Claims 1 – 6 (Canceled)

7. (Rejected) An information processing system for managing performance of a business process, said information processing system having a storage apparatus, and a data processing apparatus, said information processing system comprising:

a first table stored on said storage apparatus, said first table for registering demand information related to request instructions, said demand information being expressed as a combination of 5W1H-format elemental information comprising 5W information and 1H information, said 5W information consisting of who, whom, when, where, and what information and said 1H information consisting of how information; and

a second table stored on said storage apparatus, said second table for registering supply information related to results information, said supply information being expressed as a combination of the 5W1H-format elemental information, said supply information being generated by execution and completion of said demand information;

wherein said data processing apparatus executes said business process based on a generation sequence determined by said 1H information of said demand information.

8. (Rejected) An information processing system as claimed in claim 7, further comprising:

at least one set of information, comprising said demand information and said supply information created by said demand information;

a business procedure defined by a user accommodation, said business procedure comprising a plurality of sets of information;

a business flow defined by the user accommodation, said business flow comprising a plurality of business procedures;

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a business procedure master stored on said storage apparatus; and

a business flow master stored on said storage apparatus, wherein said business procedure master registers said business procedure defining a generation sequence of a plurality of sets of said demand information and said supply information and said business flow master registers said business flow defining a relationship among a plurality of sets of said business procedure.

9. **(Rejected)** An information processing system for managing performance of a business process, said information processing system having a storage apparatus, a data processing apparatus, demand information related to request instructions from a requester, said demand information being expressed as a combination of 5W1H-format elemental information comprising 5W information and 1H information, said 5W information consisting of who, whom, when, where, and what information and said 1H information consisting of how information, supply information corresponding to said demand information, said supply information relating to results information, said supply information being expressed as a combination of the 5W1H-format elemental information, and at least one set of information comprising said demand information and said supply information generated by said demand information, said information processing system comprising:

a business procedure comprising a plurality of said sets of information;

a business flow comprising a plurality of business procedures;

a business procedure master stored on said storage apparatus; and

a business flow master stored on said storage apparatus, wherein said data processing apparatus executes said business process with respect to execution and completion of said demand information and said supply information, said business procedure master registers said business procedure defining a generation sequence of a plurality of sets of said demand

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information and said supply information, said generation sequence determined by said 1H information of said demand information, and said business flow master registers said business flow defining a relationship among a plurality of sets of said business procedure.

10. (Rejected) A method for managing execution of a business process using an information processing system having a storage apparatus, and a data processing apparatus, said method comprising the steps of:

registering, in a first table on said storage apparatus, demand information related to request instructions, said demand information being expressed as a combination of 5W1H-format elemental information comprising 5W information and 1H information, said 5W information consisting of who, whom, when, where, and what information and said 1H information consisting of how information;

registering, in a second table stored on said storage apparatus, supply information related to results information, said supply information being expressed as a combination of the 5W1H-format elemental information, said supply information being generated by execution and completion of said demand information;

creating a plurality of sets of information comprising said demand information and said supply information generated by said demand information;

registering, on said storage apparatus, a business procedure master comprising a business procedure comprising a generation sequence of said plurality of sets of information, said generating sequence determined by said 1H information of said demand information;

defining a process flow comprising a relationship among a plurality of said business procedures;

registering, on said storage apparatus, a business process flow master comprising said

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process flow; and

executing, on said data processing apparatus, said business procedure and said process

flow.

11. (Rejected) A computer readable storage medium on which is stored a computer program of

instructions for managing execution of a business process using an information processing

system having a storage apparatus, and a data processing apparatus, said instructions comprising

the steps of:

registering, in a first table on said storage apparatus, demand information related to

request instructions, said demand information being expressed as a combination of 5W1H-format

elemental information comprising 5W information and 1H information, said 5W information

consisting of who, whom, when, where, and what information and said 1H information

consisting of how information;

registering, in a second table stored on said storage apparatus, supply information relating

to results information, said supply information being expressed as a combination of the 5W1H-

format elemental information, said supply information being generated by execution and

completion of said demand information;

creating a plurality of sets of information comprising said demand information and said

supply information generated by said demand information;

registering, on said storage apparatus, a business procedure master comprising a

business procedure comprising a generation sequence of said plurality of sets of information,

said generation sequence determined by said 1H information of said demand information;

defining a process flow comprising a relationship among a plurality of said business

procedures;

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registering, on said storage apparatus, a business process flow master comprising said

process flow; and

executing, on said data processing apparatus, said business procedure and said process

flow.

12. (Rejected) An information processing system having a storage apparatus, a data processing

apparatus, and 5W1H-format elemental information comprising 5W information and 1H

information, said 5W information consisting of who, whom, when, where, and what information

and said 1H information consisting of how information, said information processing system

comprising:

a master table on said storage apparatus;

demand information comprising 5W1H-format elemental information;

corresponding supply information comprising 5W1H-format elemental information, said

corresponding supply information resulting from execution of said demand information;

at least one set of information, comprising demand information and corresponding supply

information;

at least one business procedure comprising a plurality of sets of information, said at least

one business procedure establishing a generation sequence of a plurality of sets of said demand

information and said supply information, said generation sequence determined by said 1H

information of said demand information;

at least one business flow comprising a plurality of business procedures, said at least one

business flow stored in said master table, said business flow defining a relationship among a

plurality of sets of said business procedure;

at least one business process executable by said data processing apparatus

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and stored in said master table;

wherein said data processing apparatus executes said business process and business flow, and wherein a change in the master table results in a change in the business process.

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IX. EVIDENCE APPENDIX

None.

X.   <u>RELATED PROCEEDINGS APPENDIX</u>

None. There are no related proceedings.